

this subpart shall be made without regard to questions of title under State law and without regard to any claim or lien against the peanut quota or the farm for which a peanut quota had been established under part 729 of this title by any creditor or any other person.

(b) Any person eligible to receive a payment made under this subpart may assign the payment in accordance with part 1404 of this chapter.

§ 1412.811 Other regulations.

(a) The provisions of part 12 of this title, the controlled substance provisions of part 718 of this title, and the payment limitation provisions of part 1400 of this chapter shall not be applicable to payments made under this subpart.

(b) The provisions of part 707 of this title relating to the making of payments in the event of the death of a program participant and in the event of other special circumstances shall apply to payments made under this subpart.

PART 1413—HARD WHITE WHEAT INCENTIVE PROGRAM

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AUTHORITY: 7 U.S.C. 7999; 15 U.S.C. 714b and 714c.

SOURCE: 68 FR 5207, Feb. 3, 2003, unless otherwise noted.

§ 1413.101 Applicability.

(a) These regulations in this part set forth the terms and conditions of the Hard White Wheat Incentive Program. The Farm Security and Rural Investment Act of 2002 provides that \$20,000,000 of the funds of CCC shall be

available during the 2003 through the 2005 crop years for producers to produce and market hard white wheat limits this program to not more than a total of 2,000,000 acres or an equivalent volume of 120,000,000 bushels of production for the 2003 through 2005 crop years.

(b) A production payment incentive shall be available only for hard white wheat that grades U.S. # 2 grade or higher, established by the Federal Grain Inspection Service, that is produced and harvested in the United States.

(c) A certified seed incentive payment shall be available for each acre planted to certified hard white wheat seed, as approved by CCC. Producers are eligible to receive incentive payments for the production incentive or the certified seed incentive, or both. Each incentive payment is independent of the other.

[68 FR 5207, Feb. 3, 2003, as amended at 68 FR 16185, Apr. 3, 2003]

§ 1413.102 Administration.

(a) The program is administered under the general supervision of the Executive Vice-President, CCC, and shall be carried out by the Farm Service Agency (FSA) State and county committees (State and county committees).

(b) State and county committees, their representatives and employees, have no authority to modify or waive any of the provisions of the regulations of this part, except as provided in paragraph (e) of this section.

(c) The State committee shall take any action required by the regulations of this part that the county committee has not taken. The State committee shall also:

(1) Correct, or require a county committee to correct any action taken by such county committee that is not in accordance with the regulations of this part; or

(2) Require a county committee to withhold taking any action that is not in accordance with the regulations of this part.

(d) No provision or delegation of this part to a State or county committee shall preclude the Executive Vice

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President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county committee.

(e) The Deputy Administrator, Farm Programs, FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements do not adversely affect the operation of this program and does not violate statutory limitations on the program.

(f) Any payment applications not executed in accordance with the terms and conditions determined and announced by CCC, including any purported execution prior to the dates authorized by the Executive Vice President, CCC, is null and void and shall not be considered to be a contract between CCC and any person executing the contract.

§ 1413.103 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Hard White Wheat Incentive Program established by this part.

Application period means the date established by the Deputy Administrator for producers of hard white wheat to apply for program benefits.

CCC means the Commodity Credit Corporation.

Certified seed means hard white wheat seed grown from acceptable seedstock and sold, according to rules imposed by a State's Certified Seed Board, as determined acceptable by the Deputy Administrator.

County committee means the FSA county committee.

County office means the FSA office.

Department or USDA means the United States Department of Agriculture.

Deputy Administrator means the Deputy Administrator for Farm Programs (DAFP), Farm Service Agency or a designee.

Eligible bushels means hard white wheat bushels that were produced in the United States anytime during the 2003 through 2005 crop years, and for which an acceptable settlement sheet

has been provided to the county committee.

Farm Service Agency or FSA means the Farm Service Agency of the United States Department of Agriculture.

Payment means the bushels of wheat or seed production for which an operation is eligible to be paid under this part.

Settlement sheet means a document provided to a seller of hard white wheat upon delivery of hard white wheat to a CCC-approved warehouse, or other hard white wheat purchasing facility determined acceptable by CCC, with information which includes, but is not limited to: the name and address of buyer and seller; gross quantity; net quantity; price per bushel; and type and grade of the delivered hard white wheat.

§ 1413.104 Signup and application process.

(a) Signup for the Hard White Wheat Incentive Program shall be conducted by CCC for each of the 2003 through 2005 crop years during the application period announced by the Deputy Administrator. Applications are available from any county FSA office. Applicants must submit a complete application to FSA during the application period.

(b) The producer shall submit one application for all farms within in a particular county. On the application, the applicant must certify to: The total number and location of acres planted to hard white wheat and the number of eligible bushels sold. Applicants must also provide a settlement sheet, to FSA upon disposal of the production certified to on the application.

(c) Each applicant for a certified seed incentive payment must submit an acceptable seed receipt for the certified seed to FSA, and certify to the number and location of acres planted with certified seed.

(d) Producers requesting benefits under this part must certify to the accuracy and truthfulness of the information provided in their application. All information provided is subject to verification by FSA.

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§ 1413.105 Eligibility.

(a) The certified seed incentive payment and the production incentive payments are available to eligible producers under § 1413.101(b) and (c) for any or all of the years 2003 through 2005. Producers are eligible to receive both the certified seed and production incentive in the same year. Where an acre of land receives both the certified seed incentive and production incentive payment in the same year, only one acre shall be counted under the total 2,000,000 acreage limitation of § 1413.101(a).

(b) To be eligible to receive the certified seed incentive payment, a producer must:

(1) Submit a complete application during the application period.

(2) Submit a receipt for the purchase of certified seed to FSA.

(c) To be eligible to receive the production incentive payment, a producer must:

(1) Submit a complete application during the application period.

(2) Produce hard white wheat of the quality required under § 1413.106;

(3) Have an interested buyer with the intent to use the wheat for all purposes except for feed use.

[68 FR 5207, Feb. 3, 2003, as amended at 68 FR 16185, Apr. 3, 2003]

§ 1413.106 Quality.

The hard white wheat must be grade #2 or higher under the grading standards, established by the Federal Grain Inspection Service (FGIS).

§ 1413.107 Availability of funds and maximum eligible acreage and production.

The total available program funds for the 2003 through 2005 crop years is \$20 million. To ensure that funds are available for each of the 2003 through 2005 crop years, payments may be factored based on total eligible producers for any year the eligible payments exceed the total funds available to be spent. The maximum hard white wheat acreage and production for which payments may be issued for the 2003 through 2005 crop year is to total 2,000,000 acres, or 120,000 bushels, whichever is greater. The certified seed incentive may be

discontinued, as determined by the Deputy Administrator, in any year sufficient funds are determined to be unavailable.

§ 1413.108 Applicant's maximum payment quantity.

(a) The maximum payment quantity of hard white wheat for which an applicant may be approved under the production incentive payment for any year shall be the smaller of:

(1) The actual number of bushels harvested from the acres certified on the application; or

(2) The product of:

(i) The number of acres certified on the application;

(ii) Times 60 bushels per acre.

(b) [Reserved]

§ 1413.109 Calculation of assistance.

(a) Payment for the production incentive shall be the product of:

(1) The bushels determined in accordance with § 1413.108

(2) Times \$0.20.

(b) Payment for the certified hard white wheat planting incentive shall be the product of:

(1) The number of acres certified on the application;

(2) Times \$2.00 per acre.

§ 1413.110 Offsets and withholdings.

CCC may offset or withhold payments approved under this part in accordance with part 1403 of this chapter.

§ 1413.111 Assignments.

Persons entitled to a HWWIP payment may assign their rights to such payments in accordance with part 1404 of this chapter.

§ 1413.112 Appeals.

Any producer who is dissatisfied with a determination made pursuant to this part may request reconsideration or appeal such determination in accordance with parts 11 and 780 of this title.

§ 1413.113 Other regulations.

(a) The provisions of part 12 of this title, and the controlled substance provisions of part 718 of this title apply to payments made under this part.

(b) The payment limitation provisions of part 1400 of this title shall not

be applicable to payments made under this part.

(c) The provisions of part 707 of this title relating to the making of payments in the event of the death of a program participant or and in the event of other special circumstances shall apply to payments made under this part.

PART 1415—GRASSLAND RESERVE PROGRAM

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- 1415.20 Confidentiality.

AUTHORITY: 16 U.S.C. 3838n–3838q.

SOURCE: 69 FR 29181, May 21, 2004, unless otherwise noted.

§ 1415.1 Purpose.

(a) The purpose of the Grassland Reserve Program (GRP) is to assist landowners in protecting, conserving, and restoring grassland resources on private lands through short and long-term rental agreements and easements.

(b) The objectives of GRP are to:

- (1) Emphasize preservation of native and natural grasslands and shrublands, first and foremost;
- (2) Protect grasslands and shrublands from the threat of conversion;
- (3) Support grazing operations; and
- (4) Maintain and improve plant and animal biodiversity.

§ 1415.2 Administration.

(a) The regulations in this part set forth policies, procedures, and requirements for program implementation of the GRP as administered by the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA). The regulations in this part will be administered under the general supervision and direction of the NRCS Chief and the FSA Administrator. These two agency leaders will:

(1) Concur in the establishment of program policy and direction; development of the State allocation formula, and development of broad national ranking criteria;

(2) Use a national allocation formula to provide GRP funds to USDA State offices that emphasizes support for biodiversity of plants and animals, grasslands under the greatest threat of conversion, and grazing operations. The allocation formula will also include a factor representing program demand. The demand factor could be expressed in terms of applications received, acres offered, funding needs for such applications, or a combination of these elements. The allocation formula may be modified periodically to change the emphasis of any factor to reflect information about natural resource concerns. The data in the allocation formula will be updated periodically as new information becomes available.

(3) Ensure the National, State and local level information regarding program implementation is made available to the public;

(4) Consult with USDA leaders at the State level and other Federal agencies with the appropriate expertise and information when evaluating program policies and direction; and

(5) Authorize NRCS State Conservationists and FSA State Executive Directors to determine how funds will be used and how the program will be implemented at the State level.

(b) At the State level, the NRCS State Conservationist and the FSA State Executive Director are jointly responsible to:

- (1) Identify State priorities for project selection, based on input from the State Technical Committee;
- (2) Identify, as appropriate, USDA employees at the field level responsible